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**CITY OF WEST SACRAMENTO***Where efforts and values are focused on the creation of the  
Premier City of the Sacramento Valley*

September 21, 1999

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Personnel  
2101 Stone Boulevard  
916-373-5800  
Fax: 916-372-8765

Rick Breitenbach  
CALFED Bay-Delta Program  
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Fax: 916-372-8765

Re: Comments of the City of West Sacramento on the CALFED  
Draft Programmatic Environmental Impact  
Statement/Environmental Impact Report

Police  
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916-372-2461  
Fax: 916-373-0517

Dear Mr. Breitenbach:

The City of West Sacramento submitted comments to the earlier Draft Environmental Impact Statement/Environmental Impact Report. A copy of those comments are attached hereto for your ready reference.

Fire  
1751 Cebrian Street  
916-373-5840  
Fax: 916-371-5017

West Sacramento continues to have the same concerns it articulated at that time, and by this letter renews its earlier comments. Briefly, West Sacramento urges:

1. That the "benefits" and "beneficiaries" of any CALFED project be carefully defined and explained so that those who do not realize a benefit from the project are not assessed to pay for it.

Public Works  
1951 South River Road  
916-373-5850  
Fax: 916-371-1516

2. That no water conservation measures be imposed upon Sacramento Valley or Delta water users that do not provide new water to the Bay-Delta. Such measures would impose costs on entities, such as the City of West Sacramento, without any discernible benefit either to the City or to the Delta.

Building  
1951 South River Road  
916-373-5822  
Fax: 916-371-1516

The City of West Sacramento's ability to support a CALFED project depends on the continued adherence of CALFED to its fundamental principles, particularly, the principle that solving the Bay-Delta's problems will have "no redirected impacts."

Parks &  
Community Services  
1951 South River Road  
916-373-5860  
Fax: 916-371-1516

The City appreciates the opportunity to reiterate its concerns to you in these comments.

CITY OF WEST SACRAMENTO

Redevelopment  
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**COMMENTS OF THE CITY OF WEST SACRAMENTO  
TO  
CALFED DRAFT PROGRAMMATIC EIS/R**

The following comments to the CALFED Draft Programmatic Environmental Impact Statement/Report ("PEIS") are offered on behalf of the City of West Sacramento ("City"). In general, the City is concerned that there is no specific project being analyzed in the document. As a result, no specific impacts can be identified; mitigations devised or costs allocated. The circulated document does not meet the criteria of even a programmatic environmental document. Before any project moves forward, much more specific information will need to be circulated for comment. It is the City's understanding that a revised PEIS/R is being prepared and will be circulated for comment before a final PEIS/R is certified.

As a general policy comment, the City believes that the critical element of the CALFED program are the assurances and the cost allocation, neither of which has been identified at this point. The CALFED statement of principles states that an acceptable solution

Will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California.

This "no-redirected-impacts" principle is not only "extremely critical" to the ultimate decision of CALFED, it is also essential to the City's support of any CALFED project ultimately proposed. Unfortunately, there is no information in the PEIS/R concerning CALFED's definition of redirected impacts, or how it intends to assure areas of origin that their rights and purses will be left intact. As the CALFED Phase II Interim Report states:

...when the benefits and impacts of the solution alternatives are examined in their entirety the balance must be positive for all of the interests depending upon the Bay-Delta system resources.

Not only must the solution have no-redirected-impacts for Bay-Delta interests; it is essential that it have no such impacts for any area involved in implementation of the solution. For example, if watershed protection programs are part of the solution, the counties participating in that element must not thereby be adversely affected. Or, if the solution involves modification of upstream dams for fish passage, the dam owner must not be required to pay or to lose yield without compensation therefor.

The no-redirected-impact principle requires CALFED to assure that the existing legal protections accorded watersheds, counties and areas of origin will not be disturbed as a result of the project. However, instead of reaffirming the area of origin principles that have been articulated by northern California interests in the Bay-Delta hearing process, for example, the PEIS/R focuses on the construction of additional water storage projects.

**While such projects are necessary and overdue, they are not a substitute for the legal protections provided by California's area of origin statutes.**

**The no-redirected-impact principle requires also that areas and water users who have not harmed the Bay-Delta ecosystem, and those who do not directly benefit from the project, not be taxed to support the CALFED project. Whether this aspect of the "no-redirected-impact" principle is honored cannot be assessed until the financing and cost allocations for the ultimate project have been proposed.**

**In this regard, as far as the current PEIS/R allows one to discern, the City appears not to be benefitted by the proposed strengthening of Delta levees, even though most of the City is within the legal boundaries of the Delta. No part of the cost of levee strengthening identified in the PEIS/R should be allocated to the City; indeed, the City has already embarked on such a program of its own. The one area in which levee augmentation is needed (in RD 537) is not proposed as part of the program.**

**The City is also believes that CALFED's articulation of the no-redirected-impact principle is too broad. Not only should there be no redirected impacts of the program "in its entirety," but also there should be no significant redirected impact of any specific element of the program. The PEIS/R states that:**

At this time, CALFED has not made any determination about how the [CALFED] alternatives perform in terms of the 'assurances' or 'consistency with solution principles' characteristics.

**It is impossible for the City to respond positively to the CALFED program in the absence of such an evaluation.**

**Moreover, it is not for CALFED to determine what constitutes a negative redirected impact. As the PEIS/R acknowledges, the evaluation of whether a proposed program is consistent with the solution principles is "highly subjective."<sup>1</sup> Accordingly, that determination must be left to the affected area, entity or interest.**

**As one example, the PEIS/R proposes that CUWCC urban water conservation measures will be required of any participant "benefitting from the program." Because of the ambiguity left by the PEIS/R as to the identity of those benefitted, the documents suggests that water purveyors who have not previously signed the CUWCC Memorandum of Understanding will now be required to adhere to its requirements. The City has not signed the CUWCC MOU, and the involuntary imposition of its provisions will impose additional costs on the City's water supply operations in an unknown amount.**

**While the cost of implementing CUWCC conservation measures is not known, it would not be insignificant. Implementation would require new plumbing fixtures, distribution pipelines, landscape materials and additional personnel. The PEIS/R estimates the cost at \$3.70 per person per year. (Table 5.5 of Water Efficiency Component**

<sup>1</sup> CALFED Phase II Interim Report, at vii.

Technical Appendix at 5-48.) For the City, that could mean a quarter of a million dollars annually.

The uncritically applied mandate of water conservation measures for urban suppliers is especially objectionable to suppliers such as the City, whose treated wastewater is returned to the river and provides inflow to the Delta. The additional costs will not result in appreciable additional benefits the Bay-Delta ecosystem.<sup>2</sup> Indeed, the PEIS/R acknowledges that the "real water savings" achieved by implementing the CALFED proposal in the entire Sacramento Valley would be "nominal." (Water Use Efficiency Tech. App. At 5-50.)

The imposition of the CUWCC measures is objectionable for an additional reason. The uniform imposition of the CUWCC requirements on all urban water users appears prompted more by a general philosophical premise that water conservation is good<sup>3</sup> than by any evaluation of the CUWCC measures or by any determination that their wholesale application in northern California is justified by Bay-Delta environmental problems. The premise of the CUWCC program from the outset was that it was entirely voluntary. It is inappropriate simply to convert the CUWCC MOU to a mandatory regulation.

Regulation of water use and imposition of mandatory water conservation measures should originate through the traditional process required for administrative regulations: publication, public participation, documentation of the costs and benefits of the measures imposed, and review by the Office of Administrative Law for legal sufficiency.

In addition to these general comments, the City offers the attached specific comments to the PEIS/R. The City looks forward to reviewing a more specific CALFED proposal and detailed impact analysis in the future.

<sup>2</sup> Table 5.4 of the Technical Appendix indicates that the actual urban water savings under the CALFED proposal would amount to no more than 10,000 acre-feet per year for the entire Sacramento Valley in the year 2020. (At 5-47.) For this increase in supply, more than 120,000 acre-feet reduction in application would be needed. Although the PEIS/R posits the hypothesis that reduction in applied water could have benefits associated with timing, temperature and quality, this hypothesis should be tested for each water supplier and each proposed conservation measure before its imposition.

<sup>3</sup> The CALFED Water Use Efficiency Component Technical Appendix 2-6 states: "Certain minimum levels of analysis, implementation, and demonstration of efficient use should be met by every water supplier in California, regardless of the supplier's desire to receive CALFED benefits." It is the City's view that such a broad policy determination should be the subject of legislative, rather than administrative mandate.

The following issue points were compiled by Harry Gibson, Principal Planner, City of West Sacramento, Community Development Department, 1951 South River Road, West Sacramento, California 95691 (916) 373-5854.

EIS/EIR document:

1. Page 1-4, Why wasn't the State Lands Commission a participant in the process? SLC does have stewardship of lands below the ordinary high water line.
2. Page 1-7. The goal of improving export water supply is listed above the goal of meeting outflow needs. It is not clear in the text whether the goals are listed in order of priority or if all goals have equal weight.
3. Page 2-2. Sacramento and El Dorado Counties are both part of the upper watershed of the Sacramento River Region.
4. Page 2-14. Another concern about conservation is that it can be divisive. Areas which were forced to conserve during this last low flow cycle were particularly rankled by the lack of conservation by entities served by SWP.
5. Page 2-34. The methods of providing assurances includes constitutional and statute changes. In that these methods could be used to negate water rights, they are not very assuring to upstream users.
6. Page 2-34. Is the SWRCB considering reductions to export water as well as changes to upstream project operations?
7. Page 2-37. The reliance on intrastate increases to water supply by the Colorado River Board's California 4.4 Plan seems to be a crucial driving force to the recommended alternatives. If this impact would fall mostly on MWD (page 2-38), how can the program not assume that MWD will want increased delta exports to make up for the loss?
8. Page 6.1-11 Storage and conveyance discussion needs a more thorough analysis of tailwater quality impacts and needs to discuss reduced exports to meet outflow needs.
9. Page 6.1-16 The percentages seem to be misleading. If the 40% surplus is negligible during most dry seasons, The amount exported would seem to rise from 30% to 50% without any holdback for Delta restoration.
10. Page 6.1-17 The average 18% annual exports is in conflict with the 30% export figure on the previous page. To clarify the numbers, the document needs to give the dry year, average, and wet year percentages.

11. Page 6.1-28. It is not clear if the American River diversions include the EBMUD allocations.
12. Page 6.1-63. The anticipated increased flows during low flow periods of 5-10% may not occur if the stored water quality does not meet agricultural needs and if upstream diversions are increased due to urban growth.
13. Page 6.2-22. The entire discussion on groundwater does not appear to make any distinction between the shallow and deep aquifers. There are distinct separations between these sources. The poorer shallow groundwater may be recharged by the river hydraulics, but this may not recharge the deep groundwater. Discussion needs to be added as to how the clayey lenses separate the aquifers.
14. Page 6.2-29. The options available to the SWP and CVP service areas outside the Central Valley should also include fallowing marginal land and limiting urban growth.
15. Page 6.3-3. The increased salinization of agricultural lands in the Sacramento River basin is a real concern. Reducing the amount of salts removed by tailwater will result in the build up of salts in the soil and degradation of the agricultural productivity.
16. Page 7.1-28. The variables considered in reducing entrainment mortality must include reducing diversions which will reduce the reverse flow conditions which lead to the entrainment.
17. Page 7.1-29. The discussion on the mortality of juvenile chinook salmon needs to include the effects of reverse flows caused by the operation of SWP and CVP.
18. Page 7.2-20. SWP and CVP service areas outside the Central Valley are part of the historic habitat of the Swainson's hawk. Reducing urban growth pressures and fallowing marginal land could have a positive effect of restoring this habitat.
19. Page 8.1-10. The range of crops produced in semi-arid regions should be considered as a possible source of conservation.

#### WATER QUALITY PROGRAM

1. Page 10. The water quality program indicates that targets may not be met due to competing requirements or infeasibility. One area of feasibility that needs to be addressed in the document is the land disposal of toxins which are removed as part of the water quality program. If these toxins are removed from

the water, or prevented from entering the water, they will either build up on the land, creating a toxic hazard, or be removed from the watershed.

## DEVELOPING A STRATEGIC PLAN FOR ECOSYSTEM RESTORATION

1. Page 15. The strategic plan does not address the potential for restoration of areas served by SWP and CVP outside the Central Valley that could occur as a result of fallowing marginal land and decreasing urban growth pressures.

## WATER USE EFFICIENCY COMPONENT

1. Page 1-3. The document would be greatly improved if the existing water budget is explained in terms of dry year usage, average year usage, and wet year usage. This would set the stage of describing the scope of the issue. In addition, the same budgets should be used to describe the No project alternative to provide the scope of the increasing demand of the beneficial users.

2. Page 4-8. While this page mentions the possibility of salt build up, the document does not address ways to reduce the build up to provide for continued high yields.

3. Page 4-19. The on-farm efficiency diagram does not seem to address the quality of the reduced tailwater being directed onto other farms. If this tailwater contains a greater concentration of salts and pesticides, the secondary user could be adversely impacted.

4. Page 4-20. Shallow groundwater basins may be linked directly to river water but this is not necessarily the case for deep aquifers. Since most users prefer the quality of the deep aquifers, imbalances and overdrafts may not be recharged by rivers in the immediate vicinity.

5. Page 5-51. The cost of enforced conservation during low flow years needs to be calculated. When water conservation is required, the O & M costs will remain constant or rise while the delivery amounts will be reduced.

6. Page 7-15. Local control and oversight of water transfers is a critical issue. Constitutional and statute changes which remove this control are as inappropriate as mandates for the controls that are unfunded.

7. Page A-8. This page discusses the exporting of another 1 million acre-feet of water from the Delta. Is this 1 million figured into the the increased future demands?

## EXECUTIVE SUMMARY

While the purpose of CALFED is to fix the Delta, it cannot be stressed too highly that Sacramento River in-basin users need adequate assurances that water they need for growth, conservation, and agricultural productivity is not exported by a legislative action.